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Attorneys for Plaintiff  
AETNA LIFE INSURANCE COMPANY,  
ON BEHALF OF LEHMAN BROTHERS  
HOLDINGS, INC.

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
OAKLAND DIVISION

AETNA LIFE INSURANCE COMPANY,  
ON BEHALF OF LEHMAN BROTHERS  
HOLDINGS, INC.,

Plaintiff,

vs.

THOMAS KOHLER and DIANE KIMSEU  
KOHLER,

Defendants.

Case No. C-11-00439-CW

**STIPULATION AND ~~PROPOSED~~  
ORDER RE DEPOSIT OF DISPUTED  
FUNDS**

Plaintiff Aetna Life Insurance Company (the “Plaintiff”) and defendants Thomas Kohler and Diane Kimseu Kohler (collectively, “Defendants”) hereby agree to the following stipulation to be binding on the parties hereto and request this Court to approve the terms of this Stipulation Re Deposit of Disputed Funds as set forth herein:

1. Plaintiff has asserted a claim of entitlement to the settlement funds totaling \$144,628.56 (the “Disputed Funds”) that are currently held by the Superior Court of California, County of San Francisco in civil action *Kohler v. Warren*, Case No. CGC-09-489784 (“State Action”). Plaintiff is not a party to the State Action.

2. The parties have agreed that this Court is the appropriate forum for resolution of Plaintiff's claims to the Disputed Funds, and Defendants have agreed to make their best efforts to effectuate (1) release of the Disputed Funds from the San Francisco Superior Court to Defendants' counsel (Andrew Klimenko at The Dolan Law Firm) for deposit into the client trust account for The Dolan Law Firm and (2) dismissal of the State Action. Defendants agree to take such action as required in this paragraph 2 as soon as possible, and will do so before the September 18, 2011 trial date in the State Action.

3. Upon release of the Disputed Funds by the San Francisco Superior Court, Defendants and their counsel agree to take all steps necessary to immediately transfer such funds to The Dolan Law Firm's client trust account to be held in trust, pending final disposition of this federal court proceeding, either by settlement, final judgment by the district court, and expiration of all appeals from any decision by this district court or a subsequent decision by an appellate court.

4. If the instant federal court action is resolved through final judgment by this Federal District Court, the Disputed Funds held in Defendants' counsel's client trust account shall not be distributed or otherwise released until that judgment has become final and nonappealable, either through the passage of time or, if a notice of appeal is filed, upon final disposition of any appeal, including the exhaustion of proceedings in any remand or subsequent appeal on remand affirming this Court's final judgment.

5. Notwithstanding paragraph 4 above, Defendants agree to comply with any final order entered by the Court regarding the disposition of the Disputed Funds within 45 days of Defendants' receipt of such order, and if the order is appealable, a signed and notarized agreement between the parties that neither party will appeal or otherwise challenge that order.

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1 IT IS SO STIPULATED.

2 DATED: July 26, 2011

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3  
4 By: /s/Clarissa A. Kang  
Clarissa A. Kang

5 Attorneys for Plaintiff Aetna Life Insurance  
6 Company, on behalf of Lehman Brothers  
7 Holdings, Inc.

8 DATED: July 26, 2011

9  
10 By: /s/Andrew Klimenko  
Andrew Klimenko

11 Attorneys for Defendants Thomas Kohler and  
12 Diane Kimseu Kohler

13  
14 I attest that my firm has obtained Mr. Klimenko's concurrence in the filing of this document.

15 DATED: July 26, 2011

16 By: /s/Clarissa A. Kang  
17 Clarissa A. Kang

18  
19 **[PROPOSED] ORDER**

20  
21 PURSUANT TO THE PARTIES' STIPULATION, IT IS SO ORDERED.

22 DATED: July 29, 2011

23  
24   
Claudia Wilken

25 Judge of the United States District Court